



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

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**DA 14-674**  
**Released: May 16, 2014**

**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PETITION FOR  
DECLARATORY ORDER REGARDING STATE JURISDICTION TO ADJUDICATE  
INTERCARRIER COMPENSATION DISPUTES CONCERNING  
DIAL-UP ISP-BOUND TRAFFIC**

**WC Docket No. 14-70**

**Comment Date: June 30, 2014**

**Reply Comment Date: July 30, 2014**

The Wireline Competition Bureau (Bureau) seeks comment on a petition for declaratory order filed by the Pennsylvania Public Utility Commission (Pa. PUC) on April 30, 2014.<sup>1</sup> The Pa. PUC seeks clarification on whether it may “adjudicate intercarrier compensation disputes when they arise between competitive local exchange carriers (CLECs) outside Sections 251 and 252, 47 U.S.C. § 251 and 252, when they involve the exchange of local dial-up Internet traffic, and when the Pa. PUC decision properly enforces the *ISP Remand Order*<sup>2</sup> and is consistent with Commission rules.”<sup>3</sup> The Pa. PUC asks the Commission to find that “the Pa. PUC has jurisdiction to adjudicate such disputes so long as the result is consistent with the *ISP Remand Order* and applicable law.”<sup>4</sup>

Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.

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<sup>1</sup> Petition for Declaratory Order of the Pennsylvania Public Utility Commission, WC Docket No. 14-70 (filed April 30, 2014) (Petition), <http://apps.fcc.gov/ecfs/document/view?id=7521124305>.

<sup>2</sup> *Inter-carrier Compensation for ISP-Bound Traffic*, Order on Remand and Report and Order, 16 FCC Rcd 9151 (2001), Order on Remand, 24 FCC Rcd 6475 (2008).

<sup>3</sup> Petition at 1.

<sup>4</sup> *Id.*

- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD, 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington, DC, 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>5</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, please contact Victoria Goldberg, Pricing Policy Division, Wireline Competition Bureau, at (202) 418-7353 or [Victoria.Goldberg@fcc.gov](mailto:Victoria.Goldberg@fcc.gov).

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<sup>5</sup> 47 C.F.R. §§ 1.1200 *et seq.*

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